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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

DOREL ROMAN

CIVIL ACTION NO.: 07-1516

VERSUS

JUDGE DOHERTY

WESTERN MANUFACTURING, INC., ET AL

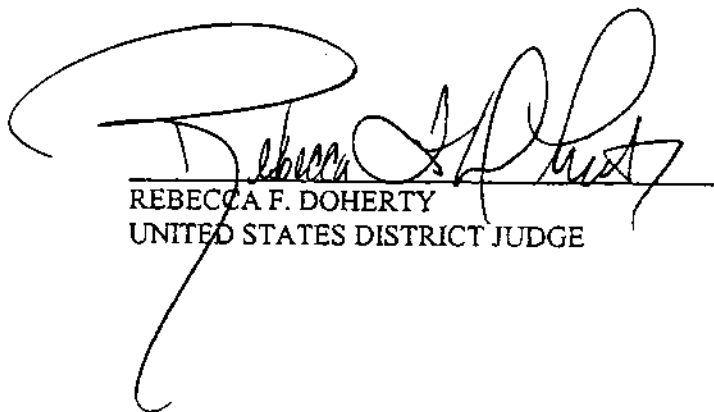
MAGISTRATE JUDGE METHVIN

MEMORANDUM RULING

Currently pending before this Court is Machine Technologies, L.L.C.'s ("Machine Technologies") Motion to Dismiss the cross-claim filed by Western Manufacturing, Inc. ("Western Manufacturing"). [Doc. 46] In the cross-claim, Western Manufacturing asserts a claim for indemnity against Machine Technologies "if the incident [in which plaintiff asserts he was injured] occurred as a result of inadequate or improper training that Machine failed to provide... ." [Doc. 3, p.5] In its motion to dismiss, Machine Technologies argues the cross-claim should be dismissed for failure to state a claim upon which relief can be granted, as there is no contract between Machine Technologies and Western Manufacturing providing for indemnification, and there is no basis for tort indemnity, pursuant to Louisiana law, under the facts of this matter. As the motion appears to be well-founded in law and fact, and because the motion is unopposed, the Court hereby GRANTS Machine Technologies' Motion to Dismiss. Accordingly, the cross-claim filed by Western Manufacturing

against Machine Technologies is hereby DISMISSED WITH PREJUDICE.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 6 day of March, 2009.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE